

REMARKS

Applicant respectfully requests reconsideration of the instant application in the view of the following remarks. Claims 1, 18 and 34 have been amended by this Response. Applicant submits that support for the amendments may be found throughout the originally filed specification and claims, and that no new matter has been added by way of this Response. Claims 1-8, 18-25 and 34-41 are currently pending.

Rejections under 35 U.S.C. § 102

Claims 1-8, 18-25 and 34-41 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Aura, US Patent No. 6,711,400 (hereinafter "Aura"). Applicant respectfully traverses the rejection and submits that Aura does not discuss every element of independent claim 1.

Amended independent claim 1 recites, inter alia:

1. A method for facilitating authentication in a wireless network comprising:
 - (a) receiving an initial nonce value and a mobile station message authentication code value from a serving mobile network in an authentication data request associated with a user device, the initial nonce value originating from the user device and the mobile station message authentication code value is determined at the mobile station from data originating from the user device and data originating from the serving mobile network....

Applicant respectfully submits that Aura does not discuss "receiving an initial nonce value and a mobile station message authentication code...[wherein] the mobile station message authentication code value is determined at the mobile station from data originating from the user device and the serving mobile network..." as recited in amended independent claim 1.

The Examiner alleges that Aura anticipates the independent claim by discussing aspects of Aura's Fig. 4. For example, the Examiner points to "the message authentication code value is determined from data originating from the user device (from the point of VPLMN it is MS that originated data and from the point of HRLC/AUC it is VPLMN that originates the data)" as anticipating element (a) from claim 1. (See, Office Action, page 3, ¶ 1). Applicant disagrees with the Examiner's assertion that Aura anticipates the claimed elements. More specifically, Applicant submits that Aura does not discuss at least receiving an initial nonce and a mobile station message authentication code value wherein the message authentication code value is determined at the mobile station from data originating from the user device and the serving mobile network as recited in independent claim 1.

The Examiner appears to suggest that the International Mobile Subscriber Identity (IMSI) in Aura's system is analogous to the mobile station message authentication code value recited in claim 1. However, as illustrated in Aura's Fig. 4 and discussed in Aura's Specification, the IMSI value is set without reference to any data from the Visited Public Land Mobile Network (VPLMN). The one-way arrow leading from the step of generating RAND at the Mobile Station (MS) 401 to analyzing the IMSI at the VPLMN 402 clearly reveals that the IMSI is established by the MS alone, with no data from the VPLMN used. This is in stark contrast to "the message authentication code value is determined at the mobile station from data originating from the user device and the serving mobile network," as recited in independent claim 1.

Applicant further notes that the Examiner has not fully addressed every claim limitation in the April 1, 2008 Office Action. Specifically, the Examiner has alleged, "the message authentication code value is determined from data originating from the user device (from the point of VPLMN it is MS that originated data and from the point of HRLC/AUC it is

VPLMN that originates the data)" (See, Office Action, page 3, ¶ 1). However, the element in claim 1, prior to the amendment made by way of this Response, recited, "the message authentication code value is determined from data originating from the user device and the serving mobile network." If the Examiner wishes to maintain his rejection, Applicant respectfully requests that he address the claim element in its entirety.

For at least this reason, Applicant submits that Aura does not anticipate independent claim 1.

Although of different scope than claim 1, Applicant submits that claim 18 is patentable over Aura for at a similar reason as discussed above with regard to Aura's deficiencies and independent claim 1. For example, claim 18 recites, inter alia:

An apparatus...comprising:

means for receiving an initial nonce value and a mobile station message authentication code value from a serving mobile network in an authentication data request associated with a user device, the initial nonce value originating from the user device and the mobile station message authentication code value is determined at the mobile station from data originating from the user device and data originating from the serving mobile network....

Applicant respectfully submits that at least this claim element from independent claim 18 is not anticipated by Aura's system, which relays the MS device message containing RAND1 and IMSI elements as discussed above.

Although of different scope than claim 1, Applicant submits that claim 34 is patentable over Aura for at a similar reason as discussed above with regard to Aura's deficiencies and independent claim 1. For example, claim 18 recites, inter alia:

34. A computer-readable medium housing stored thereon instructions, which when executed by a processor, cause the processor to perform a method comprising:

receiving an initial nonce value and a mobile station message authentication code value from a serving mobile network in an authentication data request associated with a user device, the

initial nonce value originating from the user device and the mobile station message authentication code value is determined at the mobile station from data originating from the user device and data originating from the serving mobile network....

Applicant respectfully submits that at least this claim element from independent claim 34 is not anticipated by Aura's system, which relays the MS device message containing RAND1 and IMSI elements as discussed above.

Furthermore, Applicant submits claims 2-8, 19-25 and 35-41, which are directly or indirectly dependent from independent claims 1, 18 or 34 respectively, are also not anticipated by Aura's system, which relays the MS device message containing RAND1 and IMSI elements, for at least the reasons discussed above.

Accordingly, Applicant requests withdrawal of this ground of rejections.

Conclusion

In summary, Applicant submits that independent claims 1, 18, and 34 are patentably distinct from the cited reference for at least the reasons discussed above. Applicant submits that claims 2-8, 19-25 and 35-41, which are directly or indirectly dependent from independent claims 1, 18, or 34 respectively, are also patentably distinct from the cited reference for at least the reasons discussed above.

As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, ability to combine references, assertions as to patentability of dependent claims) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future. Furthermore, although Applicant has amended independent claims 1, 18 and 34 herein,

Applicant submits that the originally filed claims are also patentably distinct from the cited reference. As such, Applicant reserves the right to pursue the originally filed claims 1, 18 or 34, as well as claims directly or indirectly dependent on originally filed claims 1, 18 or 34, in one or more continuation application(s). Accordingly, Applicant respectfully requests reconsideration/further examination of the instant application in view of the foregoing Amendments/Remarks.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 03-1240, Order No. 19161-652.

In the event that an additional extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 03-1240, Order No. 19161-652.

Respectfully submitted,

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